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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,813	11/24/2003	Thierry Roger Caussat	VAL 185 P2	5363

34232 7590 09/21/2004

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EXAMINER

IP, SHIK LUEN PAUL

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,813

Applicant(s)

CAUSSAT, THIERRY ROGER

Examiner

Paul Ip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/13/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6-18, 21, and 22 rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al (5,650,698) or Terashima (6,274,947).

The patent to Ito et al discloses a power window apparatus with a safety device for a motor vehicle. Ito et al show in figures 3B and 4 a start-up normal speed number as a reference value at 87, PCu-PC1-PCm values at 89, PC1-PCr at 91, and the determination of the these values to cause the window closing at 88, drive in opening direction 90, and stop at 92.

The patent to Terashima discloses a power window controller having function to prevent pinching. Terashima shows in figure 5 at START of the motor establishing reference values V, R, TH, and TH' to determine the UP WINDOW at S112, STOP WINDOW at S110, or STOP & REVERSE MOTOR at S130.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. Claims 3-5, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (5,650,698) or Terashima (6,274,947) in view of Jackson et al (5,616,997 or 5,585,702) or Harada (5,723,960).

The claims further recite wherein the parameter is ambient temperature without the recitation of any connection or functional relationship. However, the patents to Jackson et al and Harada disclose vehicle window control systems having a temperature measuring circuit. Since the usage of temperature control circuit for vehicle window current load determination is notorious old in the art, it would have been obvious to one of ordinary skill in the art to provide Ito et al or Terashima with the temperature measuring circuit as taught or suggested by Jackson et al or Harada.

Citation of Pertinent References

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents/publications disclose window safety control systems using motor speed to determine the window closing, stop, or reverse conditions: Nagaoka (6,667,590 or 2002/0149334), Sugawara (6,563,279 or Sugawara 202/0030459 or 6,580,241), Tyckowski (2002/0180390 or 6,298,295), Sutter et al (6,713,977 or 6,690,129), Takabe et al (5,483,133), Takeda et al (5,459,379 or 5,422,551), Tamagawa et al (6,034,495 or 6,034,497), Kato et al (2002/0024308), Koestler (6,043,620), Harada (6,054,822), Shigematsu et al (5,530,329), Ito et al (6,426,604), Miura (5,994,858), Washeleski et al (5,334,876), Hirose et al (2002/0024310), Boisvert et al (6,064,165), Mitsuda (5,983,567), Onozawa et al (2004/0065498), Fitzgibbon (2003/0189415), Klesing (6,573,676), and Whinnery (6,788,016).

Customer Services Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Ip whose telephone number is (571)-272-1941. The examiner can normally be reached on Monday to Friday from 6:30 a.m. to 3:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin, can be reached on (571)-272-1207. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Paul Ip", with a stylized flourish at the end.

Paul Ip
Primary Examiner
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